



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

September 17, 2021

GENERAL NOTICE/DEMAND LETTER
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED VIA CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

Mr. Sanket Gandhi, CEO
6906 Dixie Street
Columbus, Georgia 31907-1927

SUBJECT: General Notice/Demand for Payment
Hippe Surfactant Spill (the Site) Demand Letter; Site ID: C494

Dear Mr. Gandhi:

The purposes of this letter are as follows: First, to notify you of your potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9607(a), as amended, that you may have incurred with respect to the above-referenced Site; and second, to demand reimbursement of response costs that have been incurred at the above-referenced Site.

The U.S. Environmental Protection Agency has documented a release or threatened release of hazardous substances, pollutants, or contaminants at the Site. The EPA has spent public funds to investigate, monitor and/or control releases of hazardous substances or potential release of hazardous substances at the Site.

SITE BACKGROUND

The Site is located at 6906 Dixie Street, Columbus, GA (Muscogee County). High Performance Product Engineering (HIPPE) in Columbus, Georgia produces a surfactant, Clean Surf 92, which has been used as an ingredient in drilling fluid for oil and gas exploration. During operations at the plant on May 11, 2019, a release occurred at the facility which migrated off-site to Bull Creek and impacted aquatic life. The release of surfactant and other unknown constituents into the water body impacted aquatic life and threatened clean water intakes downstream of the facility.

EPA's On-Scene Coordinator (OSC) deployed EPA's Superfund Technical Assessment and Response Team (START) to assess and conduct a sampling event. Federal and State RCRA staff conducted a joint investigation at the facility the week of May 14, 2019, and validated data and comparison tables forwarded to GAEPD and to the EPA Land, Asbestos and Lead Section, Enforcement and Compliance Assurance Division for follow-up.

The EPA contractor observed a spill coming from a chemical tank on site and took samples of soil and surface water. The results revealed phenol, copper, lead and zinc exceeding water quality standards. Sample analysis information was also provided to the facility and to an environmental contractor who oversaw removal of liquid waste and soils impacted. GAEPD took the lead in overseeing future removal actions and containment operations at HIPPE.

NOTICE OF POTENTIAL LIABILITY

Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), potentially responsible parties (PRPs) may be held liable for all costs incurred by the United States Government (including interest) in responding to any release or threatened release of hazardous substances at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response, oversight, and enforcement activities. In addition, PRPs may be required to pay damages for injury to natural resources or their destruction or loss, together with the cost of assessing such damages.

PRPs under CERCLA include current and former owners and/or operators of the site, persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site or facility to which the hazardous substances were delivered. The EPA has evaluated evidence in connection with its investigation of the Site and has determined that High Performance Product Engineering, property owners of Hippe Surfactant Spill Site (the Site) is a PRP for the release and/or threatened release as an owner/operator of the Site.

DEMAND FOR PAYMENT

In accordance with CERCLA, the EPA has undertaken response actions at the Site and incurred costs. An itemized Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) Report is attached as Enclosure A. The total response costs incurred at the Site by the EPA through July 22, 2021, are approximately **\$12,926.47**. In accordance with Section 107(a) of CERCLA, 42 U.S.C. §9607(a), demand is hereby made for payment of the above amount.

Interest on past costs incurred shall accrue from the date of this demand for payment, pursuant to CERCLA Section 107(a), 42 U.S.C. §9607(a). Interest rates are variable. The rate applicable on any unpaid amounts for any fiscal year is the same as is specified for interest on investments of the Hazardous Substance Superfund which is determined by the Department of Treasury. The current annual rate of interest on unpaid costs is 0.10%.

Remittance of past response costs shall be made **within thirty (30) calendar days** of your receipt of this letter in the form of a certified or cashier's check made payable to the U.S. EPA Hazardous Substance Superfund established pursuant to CERCLA in Title 26, Chapter 98 of the Internal Revenue Code. Your check should reference your name, the name of the Site (Hippe Surfactant Spill Site) and the Site ID # (C494)

The EPA strongly encourages you to give this matter immediate attention and to respond to this letter within the time specified above. Please direct any questions to Johnny Morgan, at morgan.johnny@epa.gov.

The remittance should be mailed to:

United States Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
Post Office Box 979076
St. Louis, Missouri 63197-9000

A copy of your check should also be mailed to Ms. Paula V. Painter at:

U.S. Environmental Protection Agency – Region 4
Enforcement Branch
Superfund & Emergency Management Division
61 Forsyth Street, S.W. – MS 9T25
Atlanta, Georgia 30303

INSURANCE COVERAGE

Some or all of the costs associated with this demand for payment may be covered by current or past insurance policies issued to the Company. Most insurance policies require that the insured timely notify the insurance carrier(s) of any claim against it. To evaluate whether your company should notify your insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your company's first contact with the Site, up to the present. Coverage depends on many factors, including the language of the particular policy and state law.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review the EPA guidance documents regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <https://www.epa.gov/resources-small-businesses/small-business-ombudsman-pdfs>. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is available on the Agency's website at <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

If you fail to respond to this demand within 30 days of your receipt of this letter, the EPA will conclude that you have declined to reimburse the Hazardous Substance Superfund for Site expenditures. Consequently, the EPA may pursue enforcement action against you pursuant to CERCLA Section 107(a), 42 U.S.C. §9607(a).

We appreciate and look forward to your prompt response to this matter.

Sincerely,

**GREGORY
ARMSTRONG**

Digitally signed by GREGORY
ARMSTRONG
Date: 2021.09.17 23:20:19 -04'00'

Greg Armstrong, Acting Chief
Enforcement Branch
Superfund & Emergency Management Division

Enclosures:

SCORPIOS Report (07/22/2021)

Reconciliation Pending

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Narrative Cost Summary

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

1. The United States Environmental Protection Agency has incurred at least \$1,073.39 for Regional Payroll Costs.
2. The United States Environmental Protection Agency has incurred at least \$254.01 for Regional Travel Costs.
3. The United States Environmental Protection Agency has incurred costs of at least \$6,663.24 for SUPERFUND TECHNICAL ASSISTANCE RESPONSE TEAM (START) contract expenditures. The total represents the amount spent under the TETRA TECH contract.
4. The United States Environmental Protection Agency has incurred at least \$4,935.83 for Indirect Costs.

Total Site Costs:

\$12,926.47

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Itemized Cost Summary

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

REGIONAL PAYROLL COSTS	\$1,073.39
REGIONAL TRAVEL COSTS	\$254.01
SUPERFUND TECHNICAL ASSISTANCE RESPONSE TEAM (START)	
TETRA TECH (EPS41403)	\$6,663.24
EPA INDIRECT COSTS	\$4,935.83
Total Site Costs:	<div><div></div><div>\$12,926.47</div><div></div></div>

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Regional Payroll Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

CBI UNCERTIFIED

Costs from 10/01/1980 to 07/22/2021

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
JONES, SYLVIA	2019	17	0.25	18.60
ENVIRONMENTAL SCIENTIST		23	0.25	18.60
		25	0.50	37.20
			1.00	\$74.40
WILLIAMSON, VAUGHN	2019	16	5.00	312.74
SUPV LIFE SCIENTIST		17	11.00	686.25
			16.00	\$998.99
Total Regional Payroll Costs			17.00	\$1,073.39

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Headquarters Payroll Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

CBI UNCERTIFIED

Costs from 10/01/1980 to 07/22/2021

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
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Regional Travel Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
WILLIAMSON, VAUGHN	TAA076U7	AVC190217	06/13/2019	134.39
SUPV LIFE SCIENTIST	TAA076U7	AMP190165	06/13/2019	119.62
				<hr/> \$254.01
Total Regional Travel Costs				<hr/> <hr/> \$254.01

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Headquarters Travel Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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Contract Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

SUPERFUND TECHNICAL ASSISTANCE RESPONSE TEAM (START)

Contractor Name: TETRA TECH

EPA Contract Number: EPS41403

Delivery Order Information	<u>DO #</u>	<u>Start Date</u>	<u>End Date</u>
	00001	04/27/2019	01/24/2020

Project Officer(s): JONES, SYLVIA

Dates of Service: From: 04/27/2019 To: 01/24/2020

Summary of Service: TECHNICAL AND ANALYTICAL SUPPORT SERVICE

Total Costs: \$6,663.24

<u>Voucher Number</u>	<u>Voucher Date</u>	<u>Voucher Amount</u>	<u>Treasury Schedule Number and Date</u>	<u>Site Amount</u>
TO001055	06/14/2019	95,932.57	AVC190232 07/03/2019	3,563.31
TO001056	07/22/2019	115,238.08	AVC190261 08/09/2019	1,619.86
TO001057	08/15/2019	59,055.22	AVC190284 09/03/2019	261.01
TO001058	09/06/2019	215,933.68	AVC190302 09/25/2019	360.18
TO001059	10/15/2019	169,410.05	AVC200037 11/12/2019	60.03
TO001060	11/14/2019	122,913.00	AVC200069 12/09/2019	205.61
TO001061	12/16/2019	61,328.69	AVC200093 01/09/2020	273.18
TO001062	01/19/2020	61,805.65	AVC200128 02/07/2020	115.90
TO001063	02/14/2020	31,703.43	AVC200158 03/16/2020	204.16
Total:				<u>\$6,663.24</u>

Reconciliation Pending

Financial Cost Summary for the Contract Lab Program

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

CONTRACT LAB PROGRAM (CLP) COSTS

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Miscellaneous (MIS) Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

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EPA Indirect Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

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Costs from 10/01/1980 to 07/22/2021

<u>Fiscal Year</u>	<u>Direct Costs</u>	<u>Indirect Rate(%)</u>	<u>Indirect Costs</u>
2019	7,131.76	61.77%	4,405.30
2020	858.88	61.77%	530.53
	<u>7,990.64</u>		
Total EPA Indirect Costs			<u>\$4,935.83</u>

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Reconciliation Pending

EPA Indirect Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

CBI UNCERTIFIED

Costs from 10/01/1980 to 07/22/2021

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
JONES, SYLVIA	2019	17	18.60	61.77%	11.49
		23	18.60	61.77%	11.49
		25	37.20	61.77%	22.98
			<u>74.40</u>		<u>\$45.96</u>
WILLIAMSON, VAUGHN	2019	16	312.74	61.77%	193.18
		17	686.25	61.77%	423.90
			<u>998.99</u>		<u>\$617.08</u>
Total Fiscal Year 2019 Payroll Direct Costs:			<u><u>1,073.39</u></u>		<u><u>\$663.04</u></u>

TRAVEL DIRECT COSTS

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
WILLIAMSON, VAUGHN	TAA076U7	06/13/2019	119.62	61.77%	73.89
			134.39	61.77%	83.01
			<u>254.01</u>		<u>\$156.90</u>
Total Fiscal Year 2019 Travel Direct Costs:			<u><u>254.01</u></u>		<u><u>\$156.90</u></u>

OTHER DIRECT COSTS

<u>Contract, IAG, SCA, Misc.NO</u>	<u>Voucher Number</u>	<u>Treasury Schedule Date</u>	<u>Site Amount</u>	<u>Annual/SMO Allocation Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
EPS41403	TO001055	07/03/2019	3,563.31	0.00	61.77%	2,201.06
	TO001056	08/08/2019	1,619.86	0.00	61.77%	1,000.59
	TO001057	09/06/2019	261.01	0.00	61.77%	161.23

Reconciliation Pending

EPA Indirect Costs

HPPE SURFACTANT SPILL, COLUMBUS, GA SITE ID = C4 94

CBI UNCERTIFIED

Costs from 10/01/1980 to 07/22/2021

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
EPS41403	TO001058	09/25/2019	360.18	0.00	61.77%	222.48
			5,804.36	0.00		\$3,585.36

Total Fiscal Year 2019 Other Direct Costs:	5,804.36	0.00	\$3,585.36
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Total Fiscal Year 2019:	7,131.76	\$4,405.30
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OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
EPS41403	TO001059	11/12/2019	60.03	0.00	61.77%	37.08
	TO001060	12/09/2019	205.61	0.00	61.77%	127.01
	TO001061	01/09/2020	273.18	0.00	61.77%	168.74
	TO001062	02/07/2020	115.90	0.00	61.77%	71.59
	TO001063	03/16/2020	204.16	0.00	61.77%	126.11
			858.88	0.00		\$530.53

Total Fiscal Year 2020 Other Direct Costs:	858.88	0.00	\$530.53
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Total Fiscal Year 2020:	858.88	\$530.53
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Total EPA Indirect Costs	\$4,935.83
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